



Administrative Progress Report (APR) April 2005

To: POST Commissioners and Advisory Committee

From: KENNETH J. O'BRIEN
Executive Director

The APR is a monthly status report intended to inform POST Commissioners and law enforcement officials of recent progress on projects and instructional programs currently under development at POST.

VEHICLE OPERATIONS SKILLS TEST DEVELOPMENT PROJECT UPDATE

Subject matter experts attended a Vehicle Operations Skills Test Development Workshop and continued work on driving competencies and scoring criteria for Basic Course driving skills testing. The group developed a draft list of generic core competencies and began work on evaluation criteria. The development of a standardized driving skills test for the Basic Course is a component of POST Strategic Plan objective A.4.

Questions about the Vehicle Operations Skills Test Development Project may be directed to Senior Personnel Selection Consultant Michael Catlin, Standards and Evaluation Services Bureau, at (916) 227-2570 or by email at Michael.Catlin@post.ca.gov.

POST COMPUTER WORKSTATIONS UPGRADED

During the first week of April, Computer Services Bureau (CSB) staff upgraded all POST computer workstations and notebook computers to the latest version of Microsoft Office software. This software provides better stability, more protection against viruses, and ensures that POST staff can access all current versions of electronic documents. The upgrade also supports Training Delivery and Compliance Services Bureau's use of pen-based notebook computers to perform compliance audits and generate on-site audit result letters.

Questions about the computer upgrades may be directed to Network Administrator Colin O'Keefe, Computer Services Bureau, at (916) 227-3914 or by email at Colin.OKeefe@post.ca.gov.

LAW ENFORCEMENT RESPONSE TO TERRORISM INSTRUCTOR COURSE

The eighth *Law Enforcement Response to Terrorism (LERT)* instructor course was presented in Ventura. This 32-hour course trains instructors to deliver the *Law Enforcement Response to Terrorism (LERT)* awareness course that satisfies both the SB 1350 mandates and the Office for Domestic Preparedness (ODP) federal grant conditions.

The class included 24 instructors and was reformatted to meet ODP requirements. To date, approximately 200 instructors have been trained statewide to deliver the awareness training. Each instructor receives a comprehensive instructional package to assist them in presenting the 8-hour awareness course.

Two additional instructor courses are planned. One course will be held at the Westin Hotel in Millbrae on May 9-12, 2005. The other will be held at the Crown Plaza Hotel-Anaheim on June 7-10, 2005.

Questions about the LERT courses may be directed to Special Consultant Anthony Lukin, Homeland Security Program, at (916) 227-5562 or by email at Anthony.Lukin@post.ca.gov.

BACKGROUND INVESTIGATIONS OF PEACE OFFICERS AND PUBLIC SAFETY DISPATCHERS - UPDATES TO REGULATIONS AND PERSONAL HISTORY QUESTIONNAIRES

At the April meeting, the Commission approved changes to POST regulations, procedures and questionnaires related to the conduct of background investigations for peace officers and public safety dispatchers. A revised POST Personal History Statement (PHS) for peace officers (POST 2-251) and a new PHS for public safety dispatchers (POST 2-252) were also approved.

The POST Background Investigation Manual, which provides guidelines for background investigators, is currently under revision and is planned for issuance after the Commission's approval at the October meeting.

Questions on the background investigation revision project should be directed to Senior Personnel Selection Consultant Shelley Weiss Spilberg, Ph.D., Standards and Evaluation Services Bureau, at (916) 227-4824 or by email at Shelley.Spilberg@post.ca.gov.

DETECTIVE SYMPOSIUM NEARING ROLL-OUT

Planning for the first Detective Symposium is progressing well. The May 10-12, 2005, symposium was booked to capacity shortly after being announced in January. The San Jose DoubleTree Hotel will accommodate 280 attendees. Many law enforcement agencies are represented, large and small, and as geographically dispersed as Calexico Police Department and the Shasta County Sheriff's Department.

Topics for the symposium were identified by subject matter experts. Six plenary sessions will feature reviews by the lead investigators for major cases such as the Washington, D.C. Beltway Sniper and the Laci Peterson murder. Break-out sessions will cover wiretaps, computer forensics, crime scene management, forensic and trace evidence, and international flight.

A highlight of the symposium will be the presentation of Investigative Excellence awards. Mr. Bill Kurtis, host of numerous A & E television productions, will present the awards on May 12. Among the nominees are the investigative teams involved in the Laci Peterson and Samantha Runnion murder investigations.

Questions regarding the Detective Symposium or the Robert Presley Institute of Criminal Investigation may be directed to Senior Consultant Mike Hooper, Training Program Services Bureau, at (916) 227-3912 or by email at Mike.Hooper@post.ca.gov.

BASIC COURSE WRITTEN EXAMS AVAILABLE VIA FEDEX/KINKO'S

POST has developed and delivered tests to approximately 90 presenters of POST-certified Basic Courses for approximately 20 years. Currently, presenters obtain required tests from a variety of sources including the old POSTRAC test system, the new Testing Management and Assessment System (TMAS), and two POST Websites. In all cases, presenters are required to reproduce their own test booklets. For academy presenters, this is a costly endeavor as more than 60 different test forms are involved.

Following a competitive bid process, POST contracted with FedEx/Kinko's to provide test booklets for all presenters of POST Basic Courses. This service allows presenters to order and pay for tests via an Internet-based ordering system and receive the order within 72 hours. Under this contract, the cost for printing and shipping Regular Basic Course test materials is considerably less than individual presenters could obtain, even with in-house printing.

Questions about the FedEx/Kinko's project may be directed to Senior Personnel Selection Consultant Ken Krueger, Standards and Evaluation Services Bureau, at (916) 227-2810 or by email at Ken.Krueger@post.ca.gov.

POST COMPLETES TERRORISM COURSE DEVELOPMENT WORK FOR THE DEPARTMENT OF CONSUMER AFFAIRS

POST has been working with the Governor's Office of Homeland Security and the Department of Consumer Affairs, Bureau of Security and Investigative Services, to develop an awareness-level terrorism course for security professionals. The *Weapons of Mass Destruction and Terrorism Awareness for Security Professionals* course is a four-hour course of instruction that will be mandated for every new security professional prior to working in the field. The course will also be made available to approximately 400,000 proprietary and non-proprietary security professionals who work for approximately 4,000 security companies statewide.

Working closely with security industry professionals, POST staff designed and developed the unique and customized curriculum. The course was developed in collaboration with the University of California, Irvine Distance Learning Center. The course is consistent with the Office for Domestic Preparedness standards and uses materials from the *Law Enforcement Response to Terrorism (LERT)* course that is being delivered to peace officers and dispatchers.

On April 18, 2005, POST delivered the completed course curriculum to Charlene Zettel, the Director of the California Department of Consumer Affairs. The course development effort was supported by a contract from the Office of Homeland Security and was completed on schedule and within budget. The Department of Consumer Affairs regulates security officers and will be responsible for delivering the course materials to their constituents.

Questions about the course developed for the Department of Consumer Affairs may be directed to Bureau Chief Ken Whitman, Homeland Security Program, at (916) 227-5561 or by email at Ken.Whitman@post.ca.gov.

PHYSICAL TRAINING INSTRUCTOR COURSE

POST staff presented a Basic Level Physical Training Instructor Course in April at the Ben Clark Training Center in Riverside. This two and one-half day introductory course provides training on the administration of both the Physical Training program and the Work Sample Test Battery in Regular Basic Course. Twenty-eight Basic Academy physical training instructors attended this presentation. Two additional presentations of this course are planned for 2005.

Questions about Physical Training Instructor courses may be directed to Senior Personnel Selection Consultant Michael Catlin, Standards and Evaluation Services Bureau, at (916) 227-2570 or by email at Michael.Catlin@post.ca.gov.

POST HOSTS VISITOR FROM THE HOUSE OF REPRESENTATIVES OF THE HAGUE, NETHERLANDS

On April 12, 2005, POST staff met with R.H. (Rendert) Algra who is a member of the House of Representatives of the State General in The Hague, Netherlands. Representative Algra is a member of the ruling Christian Democratic Party and was in the United States under the auspices of the U.S. Department of State International Visitor Leadership Program. The State Department specifically requested that Mr. Algra meet with POST staff during his visit to California.

Mr. Algra is the representative responsible for policing matters in the Netherlands. He was given a briefing on a variety of subjects. The parliament is studying the issue of revamping the existing 25 police forces in the Netherlands into a policing system based on a smaller number of regional police forces. Mr. Algra was a member of the Amsterdam Police before being elected to his current position in the parliament.

Mr. Algra told staff that their country and the policing services are facing many of the same problems as American police departments. The political system is very strong in the Netherlands, so they want to move to a more regionalized approach to providing services in their country.

While in California, Mr. Algra also visited with the Sacramento Police Department, the Sacramento County Sheriff's Department, the Governor's Office of Homeland Security, and spoke with several members of the Senate and Assembly.

Questions about Mr. Algra's visit may be directed to Bureau Chief Ken Whitman, Homeland Security Program, at (916) 227-5561 or by email at Ken.Whitman@post.ca.gov.

POST STAFF ATTENDS DEDICATION OF MEMORIAL

The Chula Vista Police Department is the site for a permanent county memorial for peace officers killed in the line of duty. Located in the courtyard of the new police facility, the memorial honors local, State and Federal peace officers from San Diego County that lost their lives in the line of duty.

Representatives from all of the law enforcement agencies in the county were present for the dedication, as well as several families of officers that lost their lives. The names of the fallen officers are engraved on a wall of honor guarded by a bronze statue of two officers in a solemn pose. Assistant Executive Director Mike DiMiceli and Region Ten Manager Ed Pecinovsky, Training Delivery and Compliance Services Bureau, represented POST at the dedication.

PROTECTION OF PEACE OFFICER DATA UPHeld BY 3RD DISTRICT APPELLATE COURT

In March 2002, the *Los Angeles Times* requested specified peace officer information provided to POST on the Notice of Appointment/Termination. *The Times* wanted the name, date of birth, date of hire, appointment status, date of separation from the department, and reason for separation for all officers in a ten-year period. POST declined the request because the information requested was confidential peace officer personnel information. *The Times* subsequently filed for writ of mandate in Los Angeles County Superior Court, seeking release of the information pursuant to the California Public Records Act (CPRA).

The trial court ordered POST to release all information sought except the date of birth and reason for separation. POST appealed to the Second Appellate District on February 6, 2003. The Second District ruled that the Los Angeles Superior Court lacked jurisdiction to hear the matter because the records are maintained in Sacramento. The case was transferred to Sacramento County Superior Court.

In October 2003, Sacramento County Superior Court ordered the release of all information requested by *The Times* except the date of birth and reason for separation. POST appealed the decision to the 3rd District Appellate Court in Sacramento.

POST's appeal was heard on March 25, 2005. On April 7, the court issued a published decision (Citation text: 27 Cal.Rptr.3d 108) denying *The Times*' writ and supporting POST's position that information received from departments is confidential and not subject to disclosure under the CPRA.

From the inception of this case, POST was represented by Deputy Attorney General Michael E. Whitaker, who works out of the Attorney General's Los Angeles office. POST is indebted to Mr. Whitaker for his diligence and professionalism in this difficult and protracted case.

Questions about the case may be directed to Bureau Chief Paul Harman, Information Services Bureau, at (916) 227-0539 or by email at Paul.Harman@post.ca.gov.

MASTER CALENDAR ON THE POST WEBSITE

Due to security concerns, the Master Calendar is located within the Flagship Network on the POST Website. The Flagship Network is an electronic bulletin board for the Commission and sworn law enforcement personnel that is accessed through a user identification and password.

Information about obtaining access is located at http://www.post.ca.gov/library/p_ch/flagship_bb.asp. If you have access to the network but have forgotten your user identification or password, please send an email to Phyl.Barrus@post.ca.gov.

LEGISLATIVE UPDATE

Information regarding bills with a Commission position appears on the following page. The POST Website provides access to legislative information as follows:

Assembly Bills of interest to law enforcement:

- By Assembly Bill Number: <http://www.post.ca.gov/about/legislation/AssemblyBills.pdf>
- By Author Name: <http://www.post.ca.gov/about/legislation/AssemblyAuthors.pdf>

Senate Bills of interest to law enforcement:

- By Senate Bill Number: <http://www.post.ca.gov/about/legislation/SenateBills.pdf>
- By Author Name: <http://www.post.ca.gov/about/legislation/SenateAuthors.pdf>

Bills with a Commission position:

<http://www.post.ca.gov/about/legislation/position.doc>

REPORT DATE: April 30, 2005

STATUS OF LEGISLATION ON WHICH THE COMMISSION HAS TAKEN A POSITION

The following are bills on which the Commission has taken a position. Other bills of interest to law enforcement stakeholders may be viewed on the POST Website at <http://www.post.ca.gov/about/legislation.asp>.

Bill # and Author	Title, Summary and Commission Position	Status of Bill
<u>AB 22</u> (Lieber)	Trafficking in Persons: This bill would add several crimes related to trafficking of persons for forced labor or services and the trafficking of minors. It would provide restitution and damages to victims and would require law enforcement agencies to screen victims and issue-specific documents. <i>Commission Position: Neutral</i> – amended 4-21-05 and no longer applies to POST.	ASM Judiciary Comm. (4-28-05)
<u>AB 41</u> (Yee)	Human Trafficking: This bill would establish the crime of trafficking persons for forced labor or services and the crime of trafficking of a minor for sexual servitude. It would provide for forfeiture of items used in the commission of trafficking offenses. <i>Commission Position: Neutral</i> – does not apply to POST.	ASM Public Safety (4-28-05)
<u>SB 57</u> (Alarcon)	Fines and Penalties: This bill would increase the authority of county boards of supervisors to levy additional penalty assessments on fines for criminal offenses and other specified offenses. It would authorize counties to expend 15% of the funds collected in this manner to be used to fund equipment and reimburse trauma care facilities that provide pediatric trauma care. <i>Commission Position: Oppose</i>	Sen. Public Safety (5-03-05)
<u>SB 180</u> (Kuehl)	Human Trafficking: This bill would add human trafficking victims to those who would be served by existing hospital-based training centers; establish a special task force to study programs available to victims of trafficking; the need for additional criminal sanctions; and report to the Governor, Legislature, and the Attorney General. In addition, it would require POST to develop training for peace officers on human trafficking enforcement. <i>Commission Position: Neutral</i>	Sen. Public Safety (5-03-05)

<u>AB 760</u> (Nava)	Criminal Procedure: Arrest of Caretaker Parent: This bill would require that a caretaker parent be authorized to make three additional phone calls to make arrangements for child care. Also, it would require POST to develop guidelines and training for state and local peace officers regarding their responsibilities when they arrest a caretaker parent. This bill is similar to AB 1941 (2004). <i>Commission Position: Neutral</i>	ASM Approps. – Suspense (4-06-05)
<u>SB 986</u> (Escutia)	Consumer Credit Reports: Employment Purposes: This bill would substantially curtail the use of consumer credit reports and financial history information for employment purposes, including law enforcement background investigations. <i>Commission Position: Oppose unless amended</i>	Judiciary Comm. (5-03-05)
<u>SB 1015</u> (Romero)	Vehicle Pursuits: This bill would make several changes related to vehicle pursuits (e.g., liability, sentencing, training, policy development and implement, and driver education). It may be amended into SB 719. <i>Commission Position: Neutral</i>	Sen. Public Safety (4/20-05)
<u>SB 1237</u> (Leno)	Taser: This bill would prohibit possession and use of the taser, except for peace officers and military personnel if trained; requires POST to certify taser training for law enforcement and the military; and would require each law enforcement deployment of the taser to be reported to the Department of Justice. <i>Commission Position: Neutral</i>	ASM Approps. (4-13-05)
<u>AB 1657</u> (Evans)	Child Victims: Child Advocacy Centers: This bill would establish funding for child advocacy centers from the State Penalty Fund and would also increase the percentage of distribution of the State Penalty Fund to the Peace Officers' Training Fund Victim-Witness Fund by reducing the percentage distributed to the Driver Training Fund. <i>Commission Position: Neutral</i>	ASM Approps. (5-04-05)